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Application Number 10/717,402

Filing Date November 19, 2003

First Named Inventor Randall J. Huebner

Art Unit

(to be used for all correspondence after initial filing)

Examiner Name

3732

Total Number of Pages in This Submission	23+	Attorney Docket Number	ACM 3	56
**	ENC	CLOSURES (Check all	that apply	y)
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement		Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence A Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on CD	Address	After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): 1. Form PTO-1449 (19 pages) 2. Foreign Patent Documents (35) 3. Other Documents (40)
Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remail Remail	<u>ırks</u>		
	IATURE C	OF APPLICANT, ATTO	RNEY, C	OR AGENT
Firm Name Kolisch Hartwell, F	.C.			
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Printed name James R. Abney, I	Esq.			
Date October 1, 2004			Reg. No.	42,253
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sufficient postage as first class mail in an the date shown below:	s being facsi envelope ad	imile transmitted to the USPT ddressed to: Commissioner fo	O or depos r Patents, F	sited with the United States Postal Service with P.O. Box 1450, Alexandria, VA 22313-1450 on
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for redscript this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 1, 2004

Renee Knight

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: October 1, 2004

RANDALL J. HUEBNER

Serial No.

10/717,402

Group Art Unit 3732

Filed

November 19, 2003

For

DEFORMABLE BONE PLATES

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

<u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98</u>

Applicant is submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicant respectfully requests that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Information Disclosure Statement includes (1) 19 pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

French Patent Document No. 2405705 – This document appears to disclose a bone fixation device, as illustrated in the figures.

French Patent Document No. 2406429 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 862937 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1049054 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1223901 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1225556 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1683724 – This document appears to disclose a bone fixation device, as illustrated in the figures.

TIMING OF DISCLOSURE / FEE INFORMATION

This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 1, 2004.

FORM PTO-1			DOCKET NUMBER ACM 356		PPLICATI 0/717,4		IBER			
	ORMATION DISC ATION IN AN APP		APPLICANT(S) Randall J. Huebne	APPLICANT(S) Randall J. Huebner						
	·		FILING DATE November 19, 200							
		U.S. PA	TENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL		UB .ASS	FIL. DATE IF APPROP.			
	820,503	5/15/06	Krengel et al.							
	869,697	10/29/07	Eilhauer et al.							
	1,105,105	7/28/14	Sherman							
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	McBride S.M.C	. Stainless Steel Bo	one Plates brochure, DePuy	, Inc., 194	13.					
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	ORMATION DISC ATION IN AN APP		APPLICANT(S) Randall J. Huebne	er	_				
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	4,493,317	1/15/85	Klaue						
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	4,757,810	7/19/88	Reese					
		FOREIGN F	PATENT DOCUME	NTS				· · ·
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	2405705	5/11/79	France					XX
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	Treatment of The Plate, Esser, Jon	hree- and Four-Pari	t Fractures of the Proxim Trauma, Vol. 8, No. 1,	<i>al Hum</i> pp. 15-2	erus wii 2, 1994	th a M	odified Cl	overleaf
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	4,759,350	7/26/88	D	unn et al.					
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	4,955,886	9/11/90	Pa	ıwluk					
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		U.S. PAT	TENT DOCUMENT	S			-		
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS		JB ASS	FIL. DATE IF APPROP.	
	4,966,599	10/30/90	Pollock						
	4,973,332	11/27/90	Kummer						
	4,988,350	1/29/91	Herzberg						
3	5,002,544	3/26/91	Klaue et al.						
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	5,015,248	5/14/91	Burstein et al.						
	5,041,113	8/20/91	Biedermann et al.					· · · · ·	
	5,042,983	8/27/91	Rayhack						
	5,049,149	9/17/91	Schmidt					<u> </u>	
	5,053,036	10/1/91	Perren et al.						
	5,085,660	2/4/92	Lin						
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_	2674118	9/25/92	France				XX		
	2515430	11/13/75	Germany				XX		
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	Small Titanium	Plates overview pa	ge, Synthes, p. 2a-33, Ma	arch 199	7				
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	Salvage of Tibi Preliminary Rep 1999.	al Pilon Fractures loort, Morgan et al.,	Ising Fusion of the Ankle Foot & Ankle Internation	e with a nal, Vol.	90° Ca 20, No	nnulat . 6, pp	ed Blade . 375 - 378	Plate: A 8, June	
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	4343117	6/22/95	Germany				XX	<u> </u>
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	5,269,784	12/14/93	Mast					
	5,201,737	4/13/93	Leibinger et al.			<u> </u>		
2	5,197,966	3/30/93	Sommerkamp					
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	ORMATION DISCI ATION IN AN APPI		APPLICANT(S) Randall J. Hueb	ner				
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		U.S. PAT	ENT DOCUMENT	ΓS				
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLAS			FIL. DATE F APPROP.
	5,290,288	3/1/94	Vignaud et al.					
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	610518	6/15/78	Soviet Union				XX	
	718097	2/28/80	Soviet Union			_	XX	
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	ORMATION DISC ATION IN AN APP		APPLICANT(S) Randall J. Huebn	er						
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	5,674,222	10/7/97	Berger et al.								
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FORM PTO-1			DOCKET NUMBER ACM 356		1	CATI(17,4)	ON NUMI 02	3ER
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	DOCUMENT NUMBER	DATE	COUNTRY	CL		SUB LASS	TRAN YES	ISLATION NO
	1192806	11/23/85	Soviet Union				XX	
	1223901	4/15/86	Soviet Union					XX
		ОТНЕ	R DOCUMENTS			-	_	
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	Bilder internet p	orintout, Martin Gm	bH & Co. KG, print da	ite Septe	mber 5,	2003.		
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		U.S. PAT	ENT DOCUMENT	S					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	St CL/		FIL. DATE F APPROP.	
	5,810,823	9/22/98	Klaue et al.						
	5,810,824	9/22/98	Chan						
	5,853,413	12/29/98	Carter et al.						
	5,855,580	1/5/99	Kreidler et al.						
	5,871,548	2/16/99	Sanders et al.						
	5,879,389	3/9/99	Koshino						
	5,916,216	6/29/99	DeSatnick et al.					•	
	5,904,683	5/18/99	Pohndorf et al.						
	5,919,195	7/6/99	Wilson et al.						
	5,931,839	8/3/99	Medoff						
	5,938,664	8/17/99	Winquist et al.						
		FOREIGN P	ATENT DOCUME	NTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLAS		UB .ASS	TRAN YES	SLATION NC	
	1225556	4/23/86	Soviet Union					XX	
	1544406	2/23/90	Soviet Union				XX		
		OTHE	R DOCUMENTS						
		ocking Custom Contact Injured, Vol. 34,	oured Blade Plate for Popp. 111-116, 2003.	eri-Artici	lar Noi	านทเ่อเ	as, Harve	y et al.,	
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	Rib Securing C	lamped Plate interne	et printout, Sanatmetal, p	orint date	Septen	iber 2	2, 2004.		
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FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER 10/717,402							
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		U.S. PAT	EN	Γ DOCUMENTS						
EXAMINER INITIAL	DOCUMENT DATE NUMBER			NAME .		CLASS			FIL. DATE IF APPROP.	
	5,941,878	8/24/99	M	ledoff						
	5,954,722	9/22/99	В	ono						
	5,964,763	10/12/99	In	cavo et al.						
	5,973,223	10/26/99	To	ellman et al.						
	6,001,099	12/14/99	Н	uebner						
	6,004,323	12/21/99	Pa	ark et al.						
	6,069,040	8/1/00	E	sser	ĺ					
	6,077,266	6/20/00	M	ledoff						
	6,096,040	8/1/00	E	sser						
	6,117,160	9/12/00	В	onutti						
	6,139,548	10/31/00	Eı	тісо						
		FOREIGN P	ATI	ENT DOCUMEN	ΓS				-	
	DOCUMENT NUMBER	DATE		COUNTRY	CLA		SUB CLASS	TRAN YES	ISLATION N	
	1630804	2/29/91	So	oviet Union				XX		
	1644932	4/30/91	So	oviet Union				XX		
		OTHE	R D	OCUMENTS						
	Acromio-Clavic	cular Plates descript	ion p	age, author and date u	ınkno	wn.				
	ECT Internal Fr	acture Fixation broo	chure	, Zimmer, Inc., undate	ed.					
	ECT Internal Fr	acture Fixation Sys	tem (order information broo	chure,	Zimm	er, Inc.	, undated.		
	NexGen Osteot	omy System (OS) su	ırgic	al technique brochure	, Zim	mer, Ir	nc., und	ated.		
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				PLICANT(S) Randall J. Huebner	r		<u> </u>	<u>-</u>		
	4			FILING DATE GROUP ART UNIT November 19, 2003 3732						
		U.S. PAT	EN'	Γ DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME		CLASS		UB ASS		L. DATE APPROP.
	6,152,927	11/28/00	Fa	arris et al.						
	6,179,839	1/30/01	W	eiss et al.						
	6,193,721	2/27/01	M	ichelson						* •
	6,228,087	5/8/01	Fe	enaroli et al.						
	6,235,033	5/22/01	B	race et al.						
	6,235,034	5/22/01	B	ray						
	6,238,396	5/29/01	L	ombardo						
	6,258,092	7/10/01	D	all						
	6,261,291	7/17/01	Ta	alaber et al.						
	6,273,889	8/14/01	R	ichelsoph						
	6,283,969	9/4/01	G	rusin et al.						
		FOREIGN P	ATI	ENT DOCUMEN	TS					
	DOCUMENT NUMBER	DATE	!	COUNTRY	CLA		SUB CLASS	T YES		LATION NO
	1683724	10/15/91	So	oviet Union						XX
	1711859A	2/15/92	So	oviet Union				X	X	
		OTHE	R D	OCUMENTS				<u> </u>	<u> </u>	<u> </u>
	Spider [™] and Mundated.	Iini-Spider™ Limite	d W	rist Fusion System bro	ochure	, Kinet	ics Me	edical 1	Incor	porated,
	Spider™ Limite	ed Wrist Fusion Syst	em t	prochure, Kinetics Me	dical	ncorpo	orated,	undate	ed.	
	Zuelzer Hook P	lates description pag	ge, C	odman & Shurtleff, I	nc., p.	808, ui	ndated			
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			APPLICANT(S) Randall J. Huebner						
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		U.S. PAT	TENT DOCUMENTS	}			•		
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL			FIL. DATE F APPROP.		
	6,290,703	9/18/01	Ganem						
	6,302,884	10/16/01	Wellisz et al.						
	6,302,887	10/16/01	Spranza et al.						
	6,306,136	10/23/01	Baccelli						
	6,312,431	11/6/01	Asfora						
	6,315,779	11/13/01	Morrison et al.						
	6,322,562	11/27/01	Wolter						
	6,325,803	12/4/01	Schumacher et al.						
	6,331,179	12/18/01	Freid et al.						
	6,336,927	1/8/02	Rogozinski						
	6,338,734	1/15/02	Burke et al.						
		FOREIGN P	ATENT DOCUMEN	NTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES	SLATION NC		
	1734715A1	5/23/92	Soviet Union			XX			
	611 147	5/31/79	Switzerland			XX			
		OTHE	R DOCUMENTS						
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INFORMATION DISCLOSURE			DOCKET NUMBER ACM 356		PLICATI 0/717,4	ION NUM 102	BER
			APPLICANT(S) Randall J. Huebner				
			FILING DATE November 19, 200		ROUP AR 732	T UNIT	
		U.S. PAT	ENT DOCUMENTS	•			
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL		SUB LASS	FIL. DATE IF APPROP.
	6,342,055	1/29/02	Eisermann et al.				
•	6,342,075	1/29/02	MacArthur				
	6,355,036	3/12/02	Nakajima				
	6,355,042	3/12/02	Winquist				·
	6,364,881	4/2/02	Apgar et al.				
	6,364,883	4/2/02	Santilli				
	6,379,354	4/30/02	Rogozinski				
	6,402,756	6/11/02	Ralph et al.				
	6,413,259	7/2/02	Lyons et al.				
	6,428,542	8/6/02	Michelson				
	6,436,103	8/20/02	Suddaby				
		FOREIGN P	ATENT DOCUMEN	TS		- 	
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAI YES	NSLATION NO
	2245498	1/8/92	United Kingdom			XX	
	WO82/01645	5/27/82	WIPO			XX	
		OTHE	R DOCUMENTS				
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			APPLICANT(S) Randall J. Huebner						
			FILING DATE November 19, 2003		ROUP 3732	ART	UNIT		
		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	С	LASS	SUI CLA:		IL. DATE APPROP.	
	6,440,135	8/27/02	Orbay et al.						
	6,454,769	9/24/02	Wagner et al.						
	6,454,770	9/24/02	Klaue						
	6,458,133	10/1/02	Lin						
	6,514,274	2/4/03	Boucher et al.					_	
	6,520,965	2/18/03	Chervitz et al.						
	6,533,789	3/18/03	Hall, IV et al.						
	6,565,570	5/20/03	Sterett et al.						
	6,623,486	9/23/03	Weaver et al.						
	6,682,531	1/27/04	Winquist et al.	ĺ					
	6,682,533	1/27/04	Dinsdale et al.						
		FOREIGN P.	ATENT DOCUMEN	ΓS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SU		TRANS YES	LATION NO	
	WO87/02572	5/7/87	WIPO				XX		
	WO88/03781	6/2/88	WIPO				XX	_	
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		FILING DATE November 19, 200		GROUP ART UNIT 3732					
		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	NAME		CLASS			IL. DATE APPROP.		
	6,712,820	3/30/04	Orbay						
	6,736,819	5/18/04	Tipirneni						
	2001/0011172	8/2/01	Orbay et al.						
	2002/0032446	3/14/02	Orbay						
	2002/0055741	5/9/02	Schlapfer et al.						
	2002/0143336	10/3/02	Hearn						
	2002/0147453	10/10/02	Gambale						
	2002/0156474	10/24/02	Wack et al.						
	2003/0055429	3/20/03	Ip et al.						
	2003/0105461	6/5/03	Putnam						
	2003/0153918	8/14/03	Putnam et al.						
<u> </u>		FOREIGN P.	ATENT DOCUMEN	TS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLAS		UB .ASS	TRANS YES	LATION NO	
	WO96/29948	10/3/96	WIPO				XX		
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	INFORMATION DISCLOSURE CITATION IN AN APPLICATION			APPLICANT(S) Randall J. Huebner					
				2003	GROUP ART UNIT 3732				
		U.S. PAT	TENT DOCUMEN	TS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLAS		JB ASS	FIL. DATE IF APPROP.	
	2003/0233093	12/18/03	Moles et al.						
	Re. 31,628	7/10/84	Allgower et al.			_			
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		FOREIGN F	PATENT DOCUM	ENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CL	LASS SUB		TRAI YES	NSLATION NO	
									
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